

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Shirley I. O’Neal,)	C/A No.: 3:12-733-CMC-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
John M. McHugh, Secretary of the Army,)	
)	
Defendant.)	
)	

This matter comes before the court on Defendant’s motion to compel discovery. [Entry #37]. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.).

According to his motion, Defendant served requests for production of documents on Plaintiff on July 25, 2013, and Plaintiff provided, after a few extensions, partial documents responsive to one request, but she has failed to provide complete responses to any of the requests. [Entry #37-1 at 1].

Defendant also seeks costs and fees associated with having scheduled a deposition for which Plaintiff failed to appear. According to Defendant’s motion:

Plaintiff’s deposition was noticed for 10:00 a.m., November 6, 2013, at the U.S. Attorney’s Office and Maj. Danisha Morris with the U.S. Army Litigation Division at Ft. Belvoir, Virginia, traveled to Columbia to attend two depositions involving the Army cases. At 10:45 p.m., on November 5, Plaintiff’s counsel e-mailed the government stating that “If you have not cancelled [the deposition], we can be ready to go. Your call.” This was somewhat inexplicable because there had been no previous conversations or

other communications about cancelling the deposition. At 7:52 a.m., counsel left a voice mail message at the U.S. Attorney's Office that "his client was not going to be physically in Columbia for the depositions scheduled for today, Wednesday." However, the court reporter's appearance fee was already incurred.

[Entry #37-1 at 1].

Plaintiff has not filed a response in opposition to Defendant's motion. Therefore, the undersigned grants Defendant's motion to compel discovery and for costs and fees associated with scheduling Plaintiff's deposition. Plaintiff is directed to provide complete discovery requests to Defendant by December 16, 2013. If the parties cannot reach an agreement as to the appropriate amount of costs and fees, Defendant may submit by December 16, 2013, a list of itemized costs and fees for the court's review.

The undersigned also notes that pursuant to the first amended scheduling order dated October 1, 2013, dispositive motions were to be filed in this case by December 3, 2013. To date, no dispositive motions have been filed. Absent a motion from the parties, the undersigned will issue a trial order on December 18, 2013.

IT IS SO ORDERED.



December 4, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge